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In re Application of :  
BUSCEMA :  
Application No.: 10/516,879 : DECISION ON  
PCT No.: PCT/EP03/02400 :  
Int. Filing Date: 10 March 2003 : PETITION UNDER  
Priority Date: 11 March 2002 :  
Attorney Docket No.: 008788-085 : 37 CFR 1.137(b)  
For: METHOD FOR ENCODING IMAGE PIXELS A :  
METHOD FOR PROCESSING IMAGES AND A :  
METHOD FOR PROCESSING IMAGES AIMED AT :  
QUALITATIVE RECOGNITION OF THE OBJECT :  
REPRODUCED BY ONE OR MORE IMAGE PIXELS :  
:

This decision is in response to applicants' submission filed 03 December 2004.

#### BACKGROUND

On 10 March 2003, applicants filed international application PCT/EP03/02400 which designated the U.S. and claimed a priority date of 11 March 2002. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 18 September 2003. The thirty-month period for paying the basic national fee in the United States expired at midnight on 13 September 2004 (11 September 2004 being a Saturday).

On 03 December 2004, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee and a "PETITION TO REVIVE UNDER 37 CFR 1.137(b)".

#### DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 03 December 2004.

As to item (2), applicant submitted the petition fee on 03 December 2004.

Item (3) has not been satisfied. Petitioner states that "Applicant's attorney *has been advised* that the entire delay in filing the required reply, i.e., the national stage filing, from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. 1.137(b) was unintentional" (emphasis added). However, petitioner fails to actually make the required statement. Nor is the required statement made by someone having more knowledge of the circumstances of the abandonment than petitioner. Thus, it is not clear whether the delay was unintentional or not.

#### CONCLUSION

The petition under 37 CFR 1.137(b) is **DISMISSED**, without prejudice, for the reasons set forth above.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)". Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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